

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2017-84

A RESOLUTION AUTHORIZING THE CLAYTON COUNTY WATER AUTHORITY TO OBTAIN EASEMENTS OVER CERTAIN PROPERTIES IN CLAYTON COUNTY TO REPAIR, IMPROVE AND UPGRADE EXISTING UTILITY LINES; TO AUTHORIZE THE WATER AUTHORITY'S EXERCISE OF ITS POWER OF EMINENT DOMAIN WHERE NECESSARY; TO AUTHORIZE THE CHAIRMAN TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Board of County Commissioners (hereinafter referred to as the "Board") has determined that in order for it to provide for the increasing sanitary sewer needs of Clayton County, the Clayton County Water Authority (hereinafter referred to as the "Authority") must initiate construction projects to repair, improve, and upgrade existing utility lines which lie on, over, across, or under certain properties located in Clayton County, said projects and utility lines being more particularly shown and described in Exhibit "A", attached hereto and made a part hereof, which are necessary for the Authority to continue to provide quality utility services to the citizens of Clayton County; and

WHEREAS, the Authority has chosen the locations for repairs, improvements, and upgrades to the utility facilities so that said services will benefit residents of Clayton County with minimal disruption and inconvenience to property owners affected thereby; and

WHEREAS, there is a public necessity that the utility facilities be repaired, improved, and upgraded for the sanitary sewer needs of property owners in Clayton County; and

WHEREAS, the Authority has diligently pursued and will continue to pursue, obtaining the necessary permanent and temporary construction easements on, over, across, or under the properties and areas shown on Exhibit "A" by negotiated purchases from the owners of those respective properties; and

WHEREAS, if the Authority cannot obtain the aforementioned easement rights, there exists a risk of delay in the construction of the utility projects which will cause the public to suffer harm and cause the Authority to become unable to meet the demands of the residents of Clayton County; and

WHEREAS, in order for the Authority to exercise its statutory powers of condemnation and eminent domain, the Board must approve such exercise of power pursuant to the requirements in Local And Special Acts And Resolutions Of The General Assembly Of The State Of Georgia 1966, Vol. 2 -- Page: 3107, Seq. No. 336, Law Number: No. 360.

NOW, THEREFORE, UPON MOTION BEING DULY MADE AND SECONDED, THE FOLLOWING RESOLUTION IS HEREBY UNANIMOUSLY ADOPTED:

BE IT RESOLVED that the Board does hereby declare that there is a public necessity that the Authority acquire the rights across, over, under and through the properties as shown on Exhibit "A" attached hereto and incorporated herein by reference for the purpose of ingress and egress for constructing and maintaining utility facilities and all appurtenances thereto, as well as a temporary construction easement of varying widths during the period of construction for ingress and egress over, across, under and through the properties as further shown on Exhibit "A."

BE IT FURTHER RESOLVED that the Board does hereby approve the Authority's exercise its power of condemnation for the acquisition of permanent and temporary easement rights to the properties as shown on Exhibit "A" at such time the Authority deems necessary to ensure timely completion of any and all utility facilities shown and described on Exhibit A.

BE IT FURTHER RESOLVED that the Board of Commissioners authorizes the Chairman to execute any required documents and otherwise perform all acts necessary to accomplish the intent of this Resolution.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 19th day of December 2017.

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN

MICHAEL EDMONDSON, VICE CHAIRMAN

SONNA GREGORY, COMMISSIONER

GAIL B. HAMBRICK, COMMISSIONER

FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



SANDRA T. DAVIS, CLERK